



188/167
Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:) Group Art Unit: 291
MAG INSTRUMENT) Examiner: M. Tung RECEIVED
Serial No. 07/411,576)
Filed: September 22, 1989) JAN 11
For: MINIATURE FLASHLIGHT) Los Angeles, CA 90017 GROUP 290

DECLARATION OF ROBERT C. WEISS

December 13, 1991

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

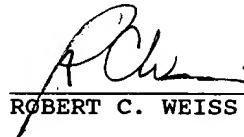
I, ROBERT C. WEISS, do hereby state as follows:

1. Attached hereto is a copy of my declaration dated May 29, 1991 filed in connection with a co-pending U.S. Design Patent Application, Serial No. 410,965. The statements made in this attached declaration are true and correct and are adopted herein. To the extent any exhibits to this attached declaration are missing, it is my understanding that they can be found in the file of U.S. Design Patent Application, Serial No. 410,965.

3. I declare further all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true. I also declare further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or

imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Executed at Los Angeles, California on the 13th day of December, 1991.



ROBERT C. WEISS



179/21
Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:) Group Art Unit: 291 RECEIVED
MAG INSTRUMENT, INC.) Examiner: M. Tung JAN 07 1992
Serial No. 410,965) GROUP 290
Filed: September 22, 1989)
For: FLASHLIGHT) Los Angeles, CA 90017

RESPONSE TO OFFICIAL ACTION MAILED APRIL 12, 1991
DECLARATION OF ROBERT C. WEISS

May 29, 1991

Honorable Commissioner of
Patents and Trademarks
Washington, D. C. 20231

Sir:

I, ROBERT C. WEISS, do hereby state as follows:

1. Attached hereto as Exhibit A is a copy of sheet 1 of the original drawings of the parent application, Serial No. 06/648,032, now U.S. Patent No. 4,577,263.

2. Attached hereto as Exhibit B is a copy of the three (3) sheets of formal drawings which were filed on February 13, 1991 and which include the Examiner's notations of "A", "B", "C" and "D" identifying problems with these drawings.

3. Attached hereto as Exhibit C are copies of the three (3) sheets of formal drawings which have been submitted for filing in the accompanying Response to the Official Action mailed April 12, 1991.

4. Attached hereto as Exhibit D is an enlarged photocopy of Figure 2 of the first sheet of the drawings which is Exhibit C. For comparison purposes, this enlarged photocopy was made to be substantially the same size as Figure 2 of Exhibit A.

5. As seen by a comparison of Exhibit D with Figure 2 of Exhibit A and attested to by Fred McAlister, the profile or shape of the head of the present formal drawings, Exhibit C, is a duplicate of the profile or shape of the head of Figure 2 of Exhibit A, the original 06/648,032 drawings.

6. In order to expedite the prosecution of this application, these present formal drawings, Exhibit C, modified the earlier filed formal drawings, Exhibit B, and correct each of the problems with the drawings identified by the Examiner in the Official Action mailed April 12, 1991.

7. Attached hereto as Exhibit E is another copy of Exhibit D and a copy of sheet 1 of Exhibit C, with notations A', B', C' and D' to show how the problems with the previous drawings, Exhibit B, have been corrected.

8. The Examiner in the Official Action mailed April 12, 1991 referred to four problems with the previous or second set of formal drawings and noted these as "A", "B", "C" and "D". (See Exhibit B). Notation "A" relates to a problem regarding the shape or profile of the head. Notation "B" relates to a problem regarding the outer rim of the edge around the head of the flashlight which the Examiner contended appeared to be more rounded in the second set of formal drawings. Notation "C" relates to the attachment hole end of the flashlight which the Examiner contended had rounder corners in the second set of formal drawings. Notation "D" relates

to the bands on the flashlight head which the Examiner contends should be limited to one thin band and one knurled band.

9. In Exhibit E, A' shows how the profile or shape of the head is the same as the profile or shape of the head of the flashlight shown in Figure 2 of the original 06/648,032 drawings. B' shows how the outer rim of the edge around the lens of the flashlight is flatter. This was done by eliminating any confusing shade lines which extended over the rim in the second set of formal drawings. C' shows how the corners of the attachment hole end of the flashlight have been modified to show a sharper radius. D' shows one thin band and one knurled band on the flashlight head. The thin band is darker because it represents the meeting of two edges. A similar dark band was used to show where the barrel meets the tail cap. See 1 and 2 on Exhibit A and 1' and 2' on Exhibit E.

10. During the telephone interview on May 28, 1991, I discussed with Ms. Tung the first paragraph of page 2 of the Official Action of April 12, 1991. Ms. Tung indicated that continuity would be given regarding the original 06/648,032 drawings if there was conformity between those drawings and the formal drawings of this application. Ms. Tung stated that she would accept new drawings if corrections were made regarding the perceived differences between the second set of formal drawings and the 06/648,032 drawings as indicated in the Official Action by the letters "A", "B", "C" and "D". With regard to "A", Ms. Tung said the difference is that the flat surface on the head of the flashlight shown in the second set of formal drawings does not extend for as long a distance as it does in the flashlight shown in the 06/648,032 drawings. With regard to "B", the complaint concerned what Ms. Tung believed was a curve shown on the lens cap in the second set of formal drawings. This was not the curve on

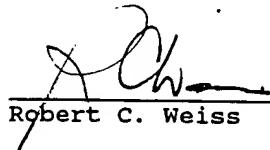
the corner edge, but rather the surface as it extends inwardly toward the tapered portion. With regard to "C", Ms. Tung stated that she wanted a smaller radius at the corners. Finally, with regard to "D", I advised Examiner Tung that the two thin lines were shown on the head of the flashlight because of two metal components meeting together. I stated that this was the same regarding the tail cap meeting the barrel. I told her both intersections, i.e., the intersection of the lens cap and head or bulb cover and the intersection of the tail cap and barrel would both be shown by a single line. Ms. Tung indicated that this would be acceptable.

11. during the interview on May 28, 1991, I attempted to show how the new formal drawings conformed to the original 06/648,032 drawings. I requested that Examiner Lucas compare the enlarged photocopy of Figure 2 of new formal drawings with Figure 2 of the original 06/648,032 by either using a straight edge or overlapping the two drawings. Examiner Lucas refused to make this comparison and refused to further discuss the new formal drawings. I also requested Examiner Lucas and Examiner Tung to review the new formal drawings to see if they met the problems indicated by the Examiner as "B", "C" and "D" in the April 12, 1991 Official Action. Examiner Lucas said that this could not be done during the interview and that neither she nor Ms. Tung would inspect copies of the new formal drawings and be available to discuss the matter further on the next day, May 29, 1991. I make this statement because I do not believe I was entitled to a fair interview despite the fact that I had traveled from Los Angeles for the purpose of this interview.

12. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. I also declare further that

these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Executed at Arlington, Virginia on this 29th day of May, 1991.



Robert C. Weiss

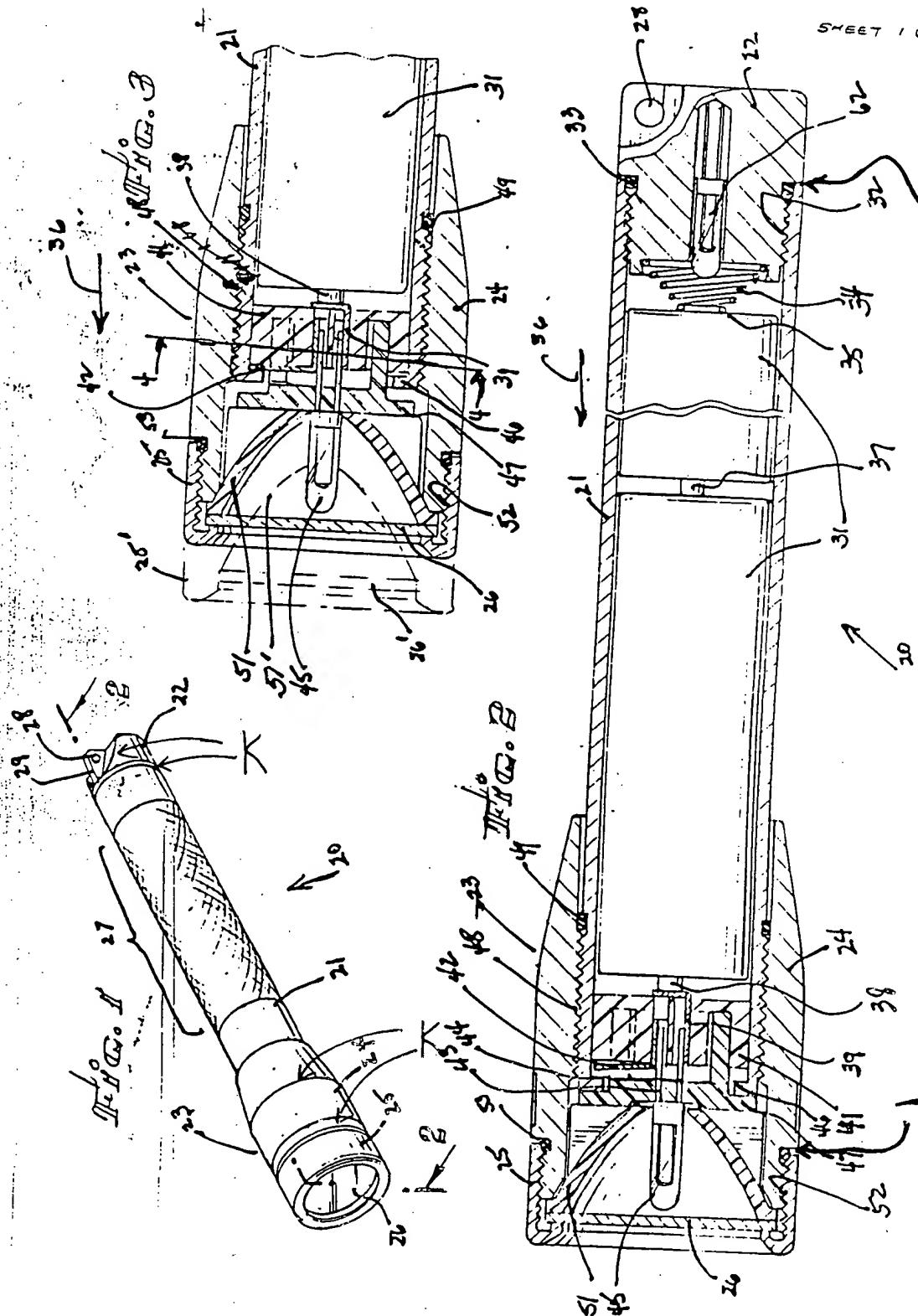
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SHEET 10



MAIN INSTRUMENT

EXHIBIT A

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FIG. 1.

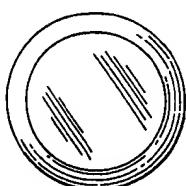
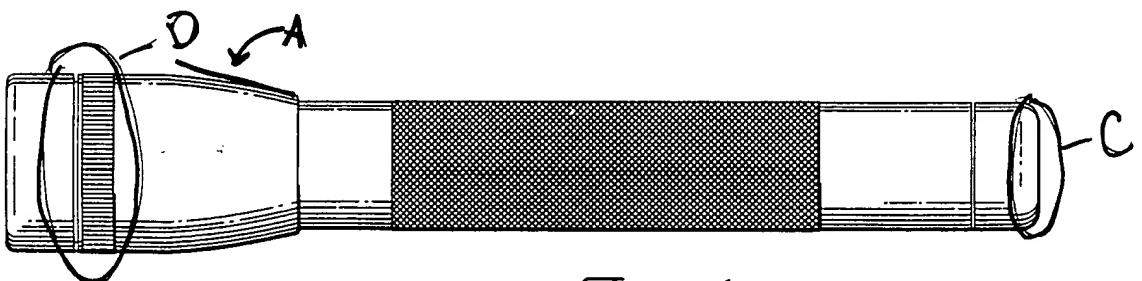
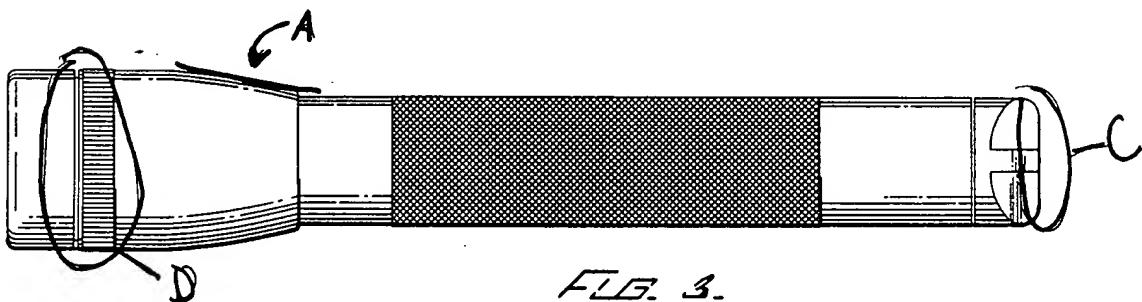
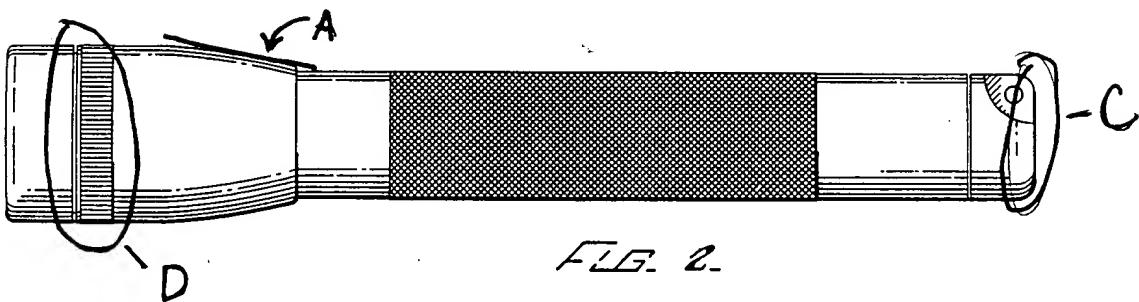
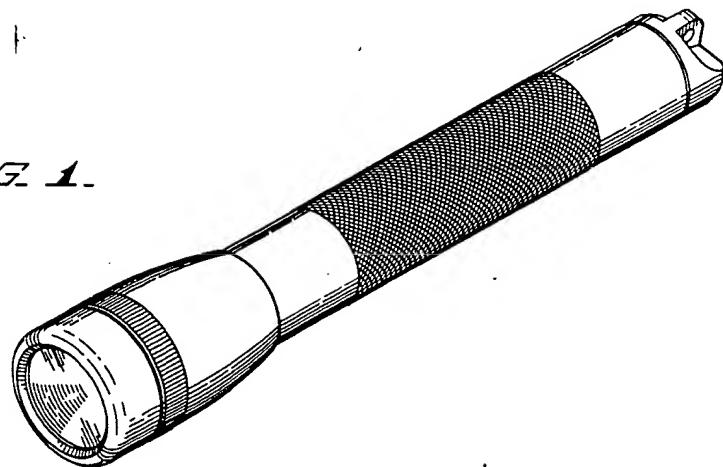


FIG. 5

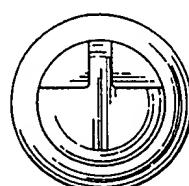


FIG. 6.

FIG. 2.

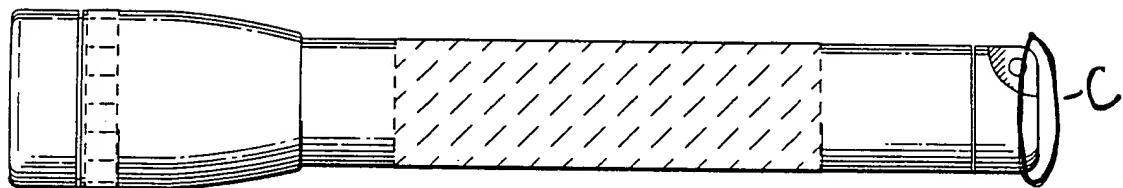
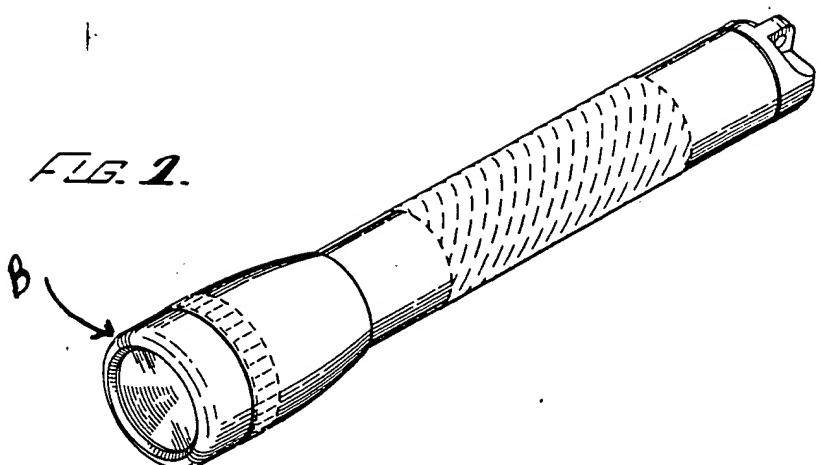


FIG. 3.

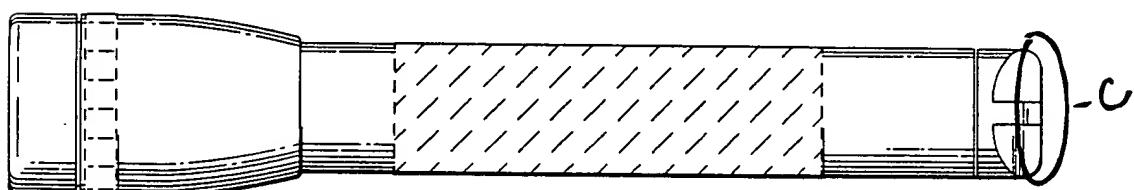


FIG. 4.

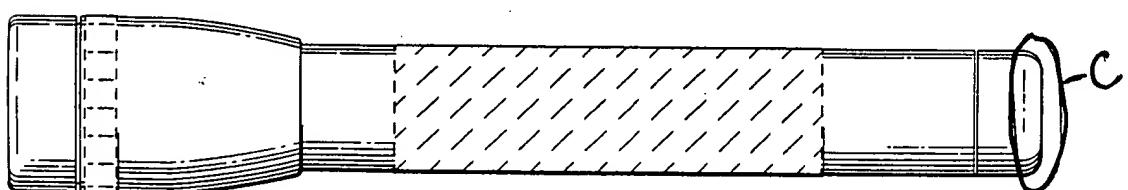


FIG. 5.

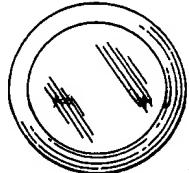


FIG. 6.

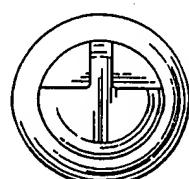


FIG. 7.

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FIG. 13.

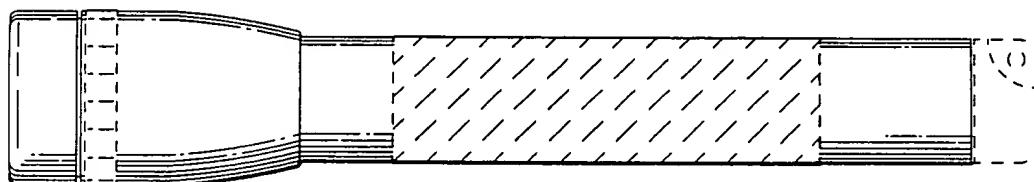
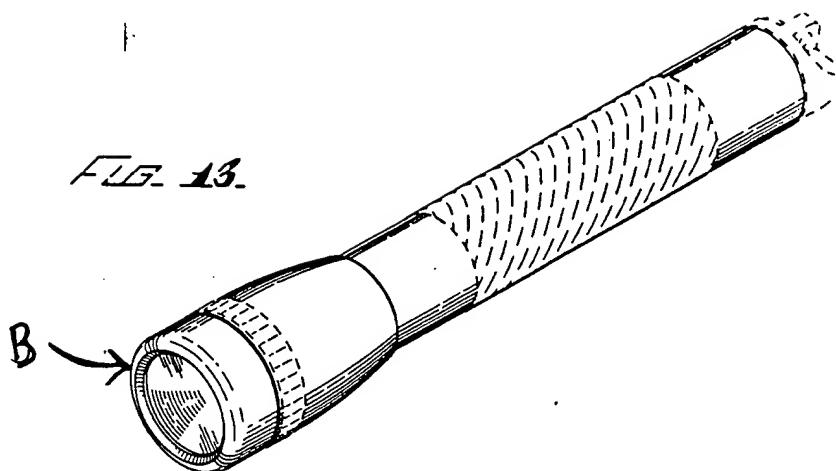


FIG. 14.

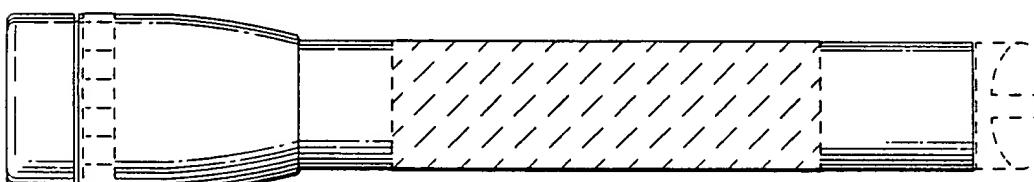


FIG. 15.

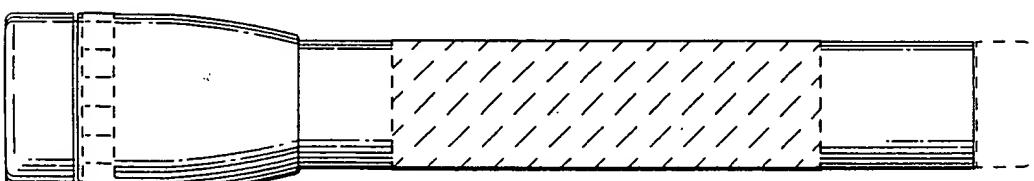


FIG. 16.

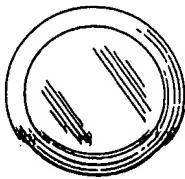


FIG. 17.

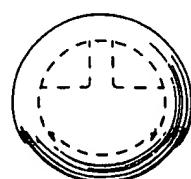


FIG. 18.

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FIG. 1.

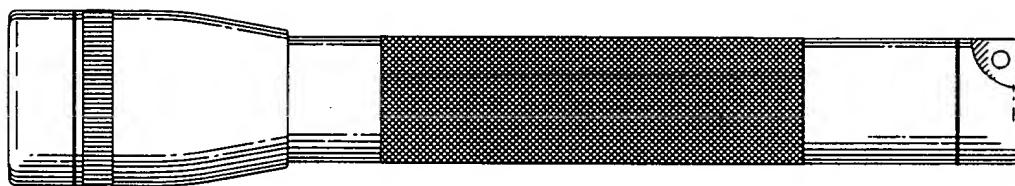
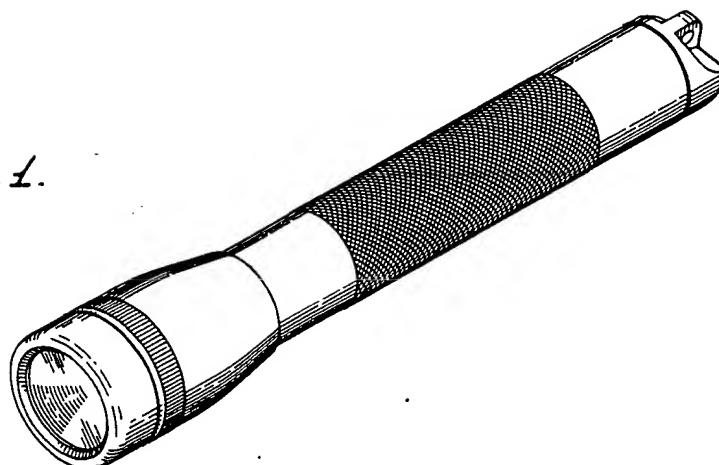


FIG. 2.

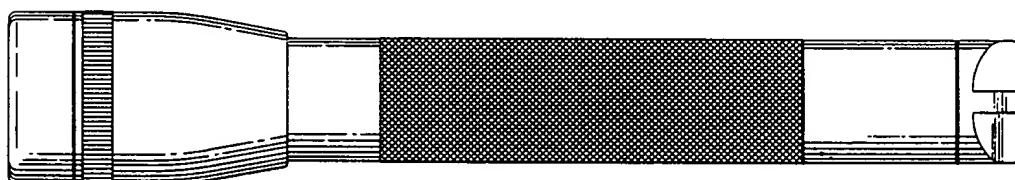


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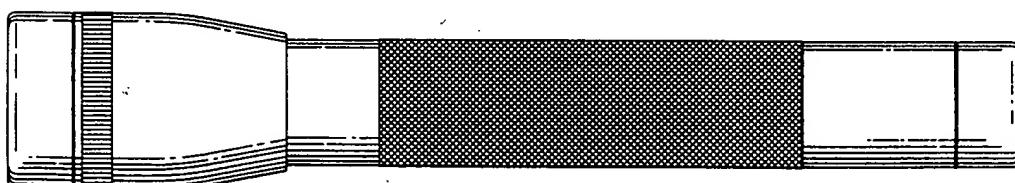


FIG. 4.

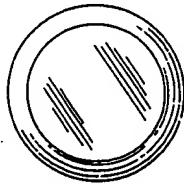


FIG. 5.

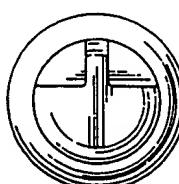


FIG. 6.

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SN 410,960 2 of
AU 291

FIG. 7.

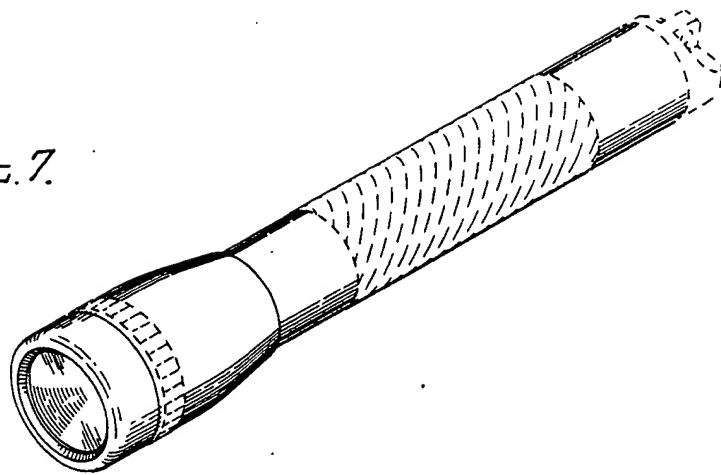


FIG. 8.

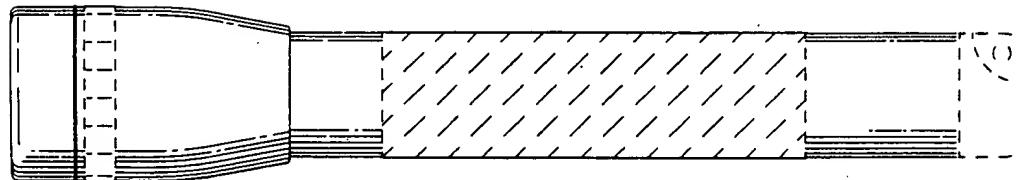


FIG. 9.

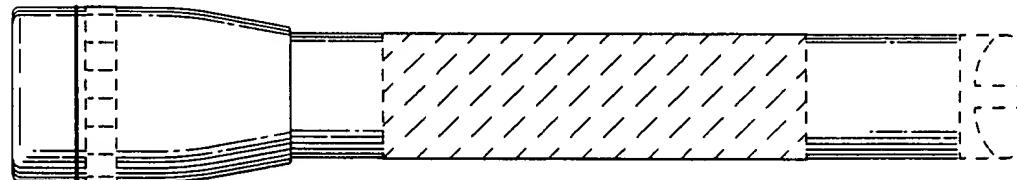


FIG. 10.

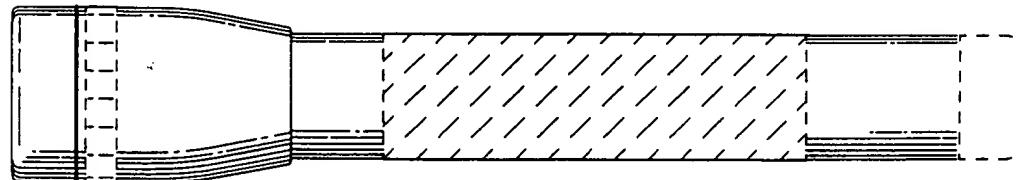


FIG. 11.

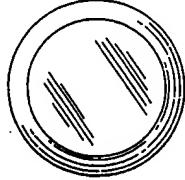
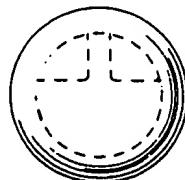


FIG. 12.



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FIG. 13.

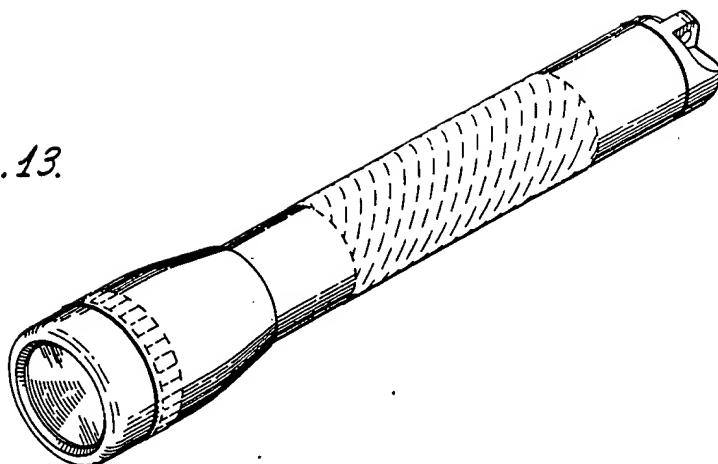


FIG. 14.

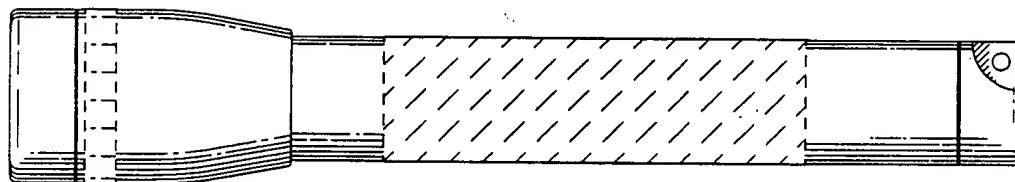


FIG. 15.

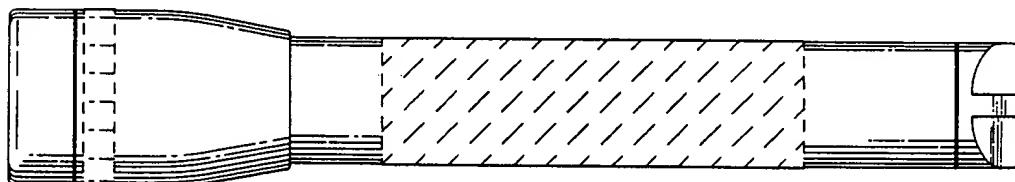


FIG. 16.

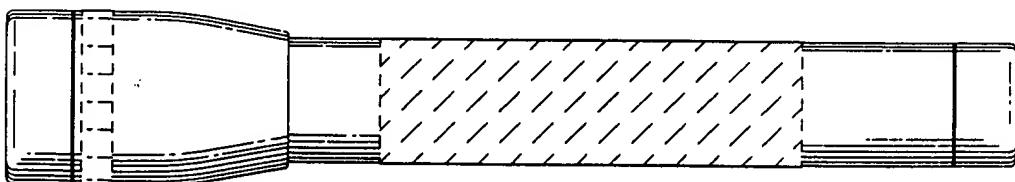


FIG. 17.

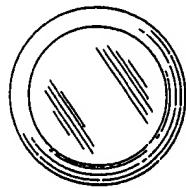
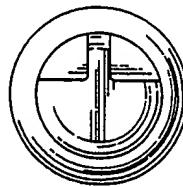


FIG. 18.



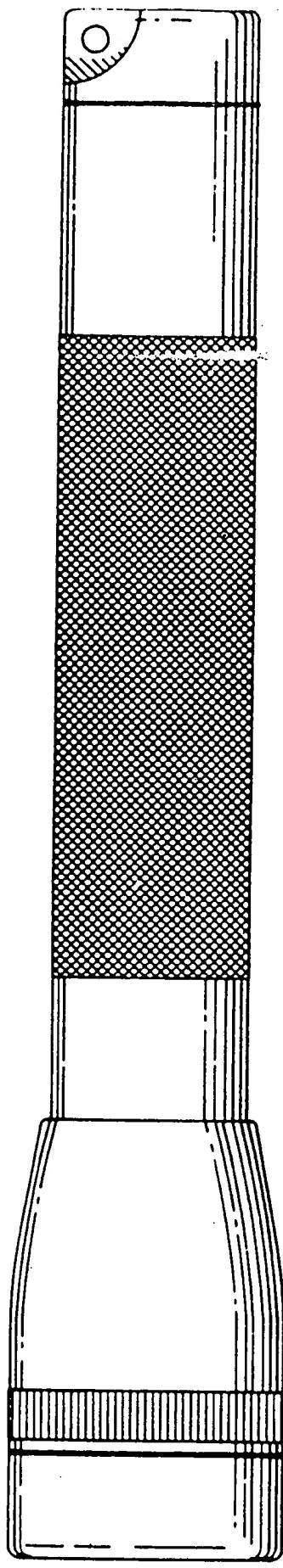


EXHIBIT D

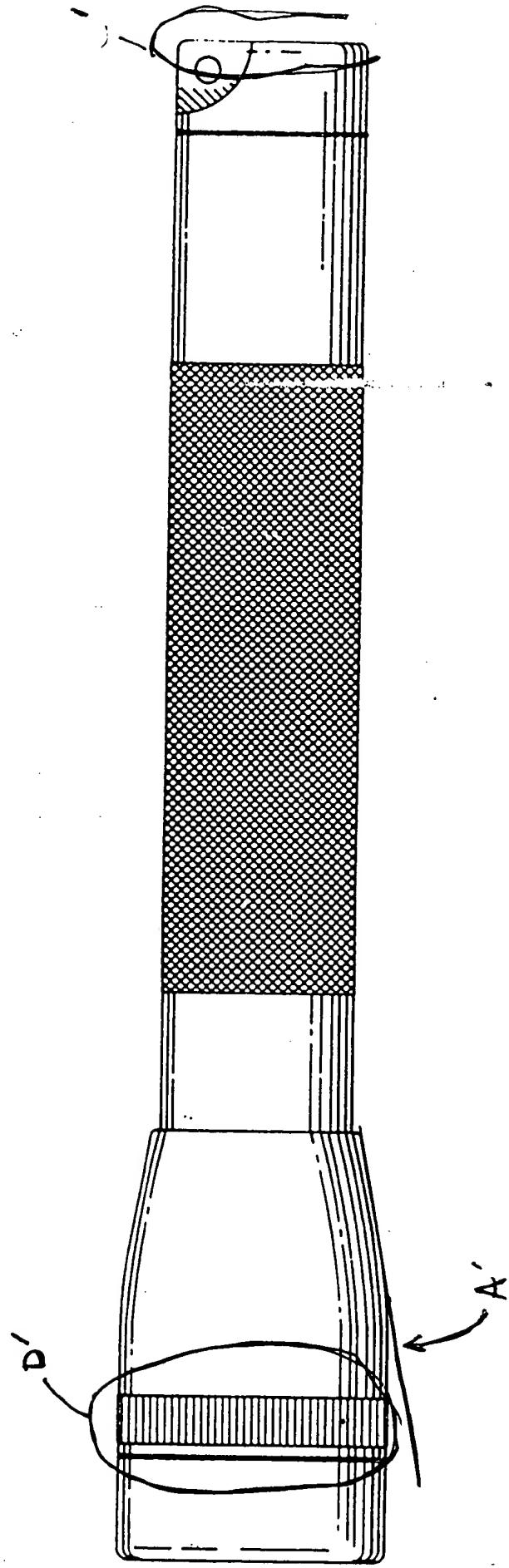


EXHIBIT E

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N 410,960 1 OF 3
AU 291

FIG. 1.

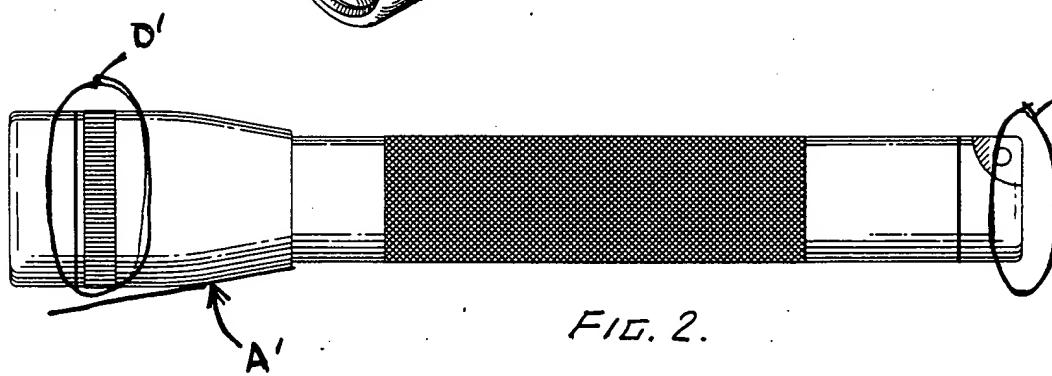
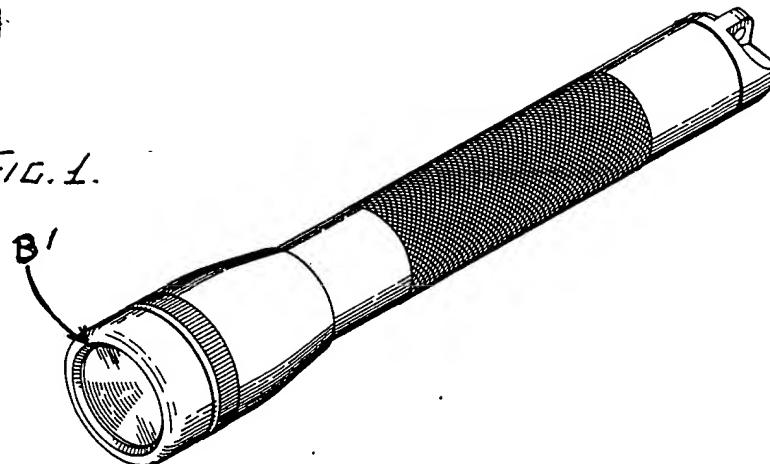


FIG. 2.

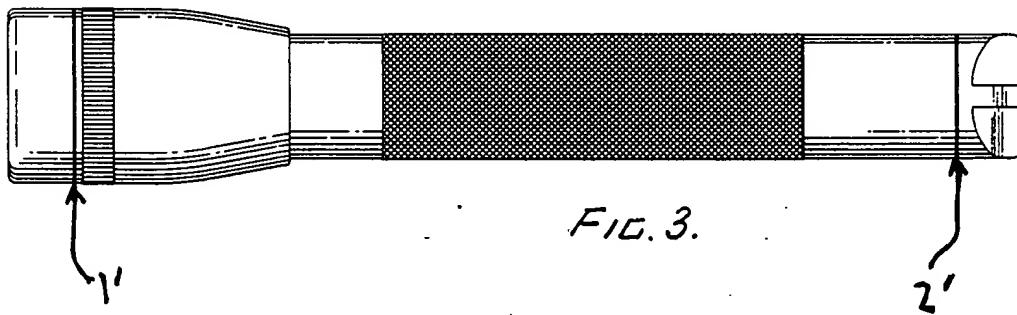


FIG. 3.

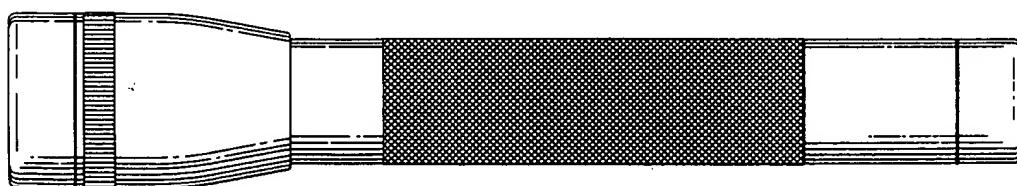


FIG. 4.

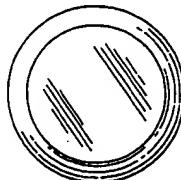


FIG. 5.

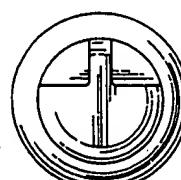


FIG. 6.

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